IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 2345 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DEVSHIBHAI BHIMABHAI MER

Versus

SINDHI LOHANA NARANDAS TRIKAMDAS

Appearance:

MR RR TRIVEDI for Petitioner

None present for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 02/02/2000

ORAL JUDGEMENT

#. This application is filed under section 24 of the Civil Procedure Code, 1908, praying for transfer of Motor Accident Claims Petition No.883/94 from the Motor Accident Claims Tribunal, Junagadh to Motor Accident

Claims Tribunal (Aux.) at Gondal.

#. It is true that litigation causes personal difficulties, inconvenience and hardships but merely on this ground, if petitions are transferred from one Tribunal to another, it will adversely effect pending work also. However, anxiety of the applicant-claimant seems to be for speedy disposal of claim petition which has been filed by him in the year 1994. Transfer of petition from one Tribunal to another Tribunal will not serve and achieve ultimate desire of the litigants of speedy disposal of the matters. However, I appreciate that in case the day on which petition is fixed for recording evidence or for hearing arguments, and the same is adjourned on the request of, without there being any justification for the same, the respondent, it will result in causing hardship to applicant. So far as the applicant himself is concerned, if the matter is adjourned on his request, he cannot have any grievance, but certainly if the matter is to be adjourned on the request of the other side, it causes hardship, inconvenience and unnecessary burden of the expenses to applicant of travelling to and from from the place of his residence to Junagadh. This can be protected by the court.

#. Though I do not find any ground to grant this application, the Motor Accident Claims Tribunal at Junagadh is directed to decide the Motor Accident Claims Petition No.883/94 within a period of four months from the date of receipt of writ of this order. It is made clear that on the day which is fixed for recording of the statement of claimant and his witnesses, the Tribunal will see that the statements of claimant and his witnesses are recorded on the same day. It is the duty of the applicant also to take all of his witnesses which are within his control to the Tribunal on the date fixed for recording of their statements. It is made clear that the Tribunal may not grant lightly and without any just and reasonable cause, adjournment on the request of either of the parties to the petition. In case where the Tribunal is satisfied for adjourning the matter on the request of respondent and the applicant and his witnesses or either of them are present in the court, the costs may be awarded to compensate the monetary loss which they have to suffer because of adjournment of the matter. While awarding costs, the Court has to take care of the expenses borne out by applicant of himself and his witnesses, of travelling, lodging, boarding etc. Subject to the aforesaid directions, this Misc.Civil Application is dismissed.

****

(pathan)